

MEMORANDUM OF UNDERSTANDING
BETWEEN
OFFICE OF THE PROVOST MARSHAL, FORT RICHARDSON, ALASKA,
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND, ALASKA
AND
ANCHORAGE POLICE DEPARTMENT

SUBJECT: Coordinated Law Enforcement Activity

1. Purpose: This is a Memorandum of Understanding (MOU) between the Anchorage Police Department (APD), hereinafter referred to as the APD, as the designated civil agent charged under Alaska statutes with the responsibility for statewide law enforcement, prevention of crimes, pursuit and apprehension of offenders, service of civil and criminal process, assistance to other departments of the State, Municipal and Federal Governments in the enforcement of civil and criminal laws and regulations, and the Office of the Provost Marshal (OPM).

a. In accordance with the Alaska State Statutes (AS) 18.65.080 and AS 18.65.090, the Alaska Department of Public Safety and APD have been designated the civil authority responsible for law enforcement and assistance in Alaska.

b. In accordance with the appropriate Department of Defense (DoD) Directives, Title 10, United States Code sections 801-940 (The Uniform Code of Military Justice); and Title 5, United States Code, appendix 3, (the Inspector General Act of 1978), the military is responsible for the discipline of the Armed Forces.

c. This MOU establishes policy for the APD and OPM with regards to the investigation and titling of criminal matters over which the two agencies have jurisdiction. This memorandum is not intended to confer any rights, benefits, privileges, or form of due process procedure upon individuals, associations, corporations, or other persons or entities. Other federal law enforcement agencies are not bound by this MOU.

d. This memorandum applies to the APD and the OPM. The statutory basis for the DoD and the APD investigation and prosecution responsibilities include, but are not limited, to:

(1) Alaska Statutes, Alaska Administrative Code; and

(2) Title 10, United States Code, Section 801-940 (the Uniform Code of Military Justice), Title 5, United States Code, Appendix 3; (the Inspector General Act of 1978) and Title 5, United States Code, Section 301.

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- a. AS 18.65.080 and AS 18.65.090
- b. Title 5 and 10, United States Code

3. Problem: Concise and clear guidance to all affected agencies must be set forth in the MOU to effect coordinated law enforcement.

4. Scope:

a. The APD has the primary responsibility for enforcement of the AS and Alaska Administrative Code in the Municipality of Anchorage. The OPM has primary responsibility for the discipline of the Armed Forces on Fort Richardson or any military reservation under USARAK control.

b. The necessity for prompt administrative actions and completion of investigations within the statute of limitations under the UCMJ requires the OPM to assume an important role in State Criminal investigations involving Army members. To encourage coordinated investigative responsibility, the APD and OPM will share information and conduct the inquiry with the interested Army investigative agency.

5. Understandings:

a. The Office of the Provost Marshal, Fort Richardson and USA Criminal Investigation Command (USACIDC), Fort Richardson will:

(1) Conduct preliminary investigations of all offenses that occur on Fort Richardson. If it is determined that the State of Alaska has primary jurisdiction for investigation and prosecution (see para 5b) USACIDC will secure the scene and immediately notify the APD. However, when an Army interest exists, USACIDC/MP may continue the preliminary inquiry to ascertain if a crime has occurred.

(2) Provide APD with complete, concise, and accurate written reports of the initial response effort of OPM personnel to include statements, crime scene photos, sketches, evidence and/or any other investigative effort expended by OPM personnel.

(3) Make incident referrals to the APD dispatch as soon as possible or practicable commensurate with the offense.

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(4) Ensure that all OPM reports designated for APD are transmitted by correspondence reflecting the exact purpose for which APD is receiving the report, i.e., intelligence, information follow-up, etc.

(5) For all incidents referred to APD, forward all requests for information from news media to the Public Affairs Office of APD.

b. The APD will:

(1) Accept investigative jurisdiction on Fort Richardson for:

(a) Felonies where there is a reason to believe the perpetrator is a civilian.

(b) Apparent suicides of civilians

(c) Accidental deaths of civilians.

(d) Any unlawful entry of a dwelling, other building or fenced area and there is reason to believe the perpetrator is a civilian.

(e) Criminal offenses involving juveniles when referred by MP/USACIDC.

(f) Civilians suspected of driving while intoxicated.

(2) Accept investigative jurisdiction on Fort Richardson when offered for:

(a) Misdemeanors where there is reason to believe the perpetrator is a civilian.

(b) Assault in the 1st, 2d, 3d, or 4th degree where there is a reason to believe the perpetrator is a civilian.

(3) Accept complaints or investigation requests only from OPM, or USACIDC for incidents occurring on Fort Richardson. Complaints or information concerning drug violations may be referred directly to the Metropolitan Drug Enforcement Bureau.

(4) Provide the OPM with complete, concise and accurate written reports of the initial response effort on matters which were referred to APD concerning US Army personnel.

(5) Advise the OPM in writing as to whether a referred case has been accepted or rejected for investigation.

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(6) If active duty US Army members are the subject of an investigation occurring off-post, the APD will notify the Military Police Desk at 384-0823. Prior to assisting any law civilian enforcement agency, the Military Police should consult the Office of the Staff Judge Advocate (OSJA). APD will afford the Military Police or the USACIDC, depending on the nature of the offense, the opportunity to jointly conduct the investigation or the APD will furnish the necessary information for the publishing of an investigative report of investigation to satisfy internal agency reporting requirements.

(7) Notify the Fort Richardson Military Police Desk prior to conducting any official business on Fort Richardson such as serving a summons/subpoenas, restraining orders, and/or warrants to an individual residing on Fort Richardson.

(8) Notify the Fort Richardson Military Police Operations Office or Duty Officer when requesting that a soldier be turned over to civil authorities. Documentation supporting the request will be reviewed by an officer from the OSJA prior to the appropriate commander's approval. The military police will ensure that the requesting official signs a receipt accepting custody of the soldier.

6. Effective date: 9 April 97 through 9 April 02, to be reviewed annually thereafter.


JANE L. WAWERSIK

2LT, Military Police Corps

Provost Marshal, Fort Richardson, AK


MARK J. BERUBE

CW3, Military Police Corps

Special Agent In Charge, Fort Richardson

Resident Agency, USACIDC

9 April 97

date


DUANE S. UDLAND

CHIEF, ANCHORAGE POLICE DEPARTMENT

9 April 97

date

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